

## **Supplemental to Item 8.A.**

### **Parks and Recreation Department**

#### **Conditions of Approval**

These replace the Parks and Recreation Department conditions in Staff's report.

PR1. Sheet L-1, item #15 – dog area: see fence requirements noted in PR2.

PR2. Sheet L-2

a. Item #5 – dog area:

- i. Use synthetic turf.
- ii. Fencing for the small dog area should be 4 feet high.
- iii. Fencing for the large dog area, and fencing between the large & small dog area, should be 5 feet high.
- iv. Use fencing, such as double picket, so dogs cannot go under, squeeze through, or jump over it.
- v. Provide a screening between the dog area and park visitors with the use of fencing type or planting around the dog area to limit a dog's distraction and source of excessive barking.

b. Item #7 – playground:

- i. Use synthetic turf playground surfacing.
- ii. Play structures shall be appropriate for all abilities for children ages 2-5 and 6-12, and shall include the 6 + 1 elements of play.

PR3. Developer shall meet, or exceed, the Parks & Recreation Department "Park Amenity Design Standards" and City standards.

PR4. The park plans as submitted are considered a "conceptual design" and developer will present public park schematic design plans to the Parks & Recreation Commission for their review and recommendation(s) to City Council for final approval prior to submitting the Park Improvement Agreement and the Park Maintenance Agreement between City and Developer to City Council for approval.

PR5. The Park Improvement Agreement and the Park Maintenance Agreement shall include an Engineer's Estimate for Phase 2 Completion Fee described in PR9.e.

PR6. Park construction documents, at Developer's sole cost, must be: submitted to, reviewed by, and approved by City (Parks, Engineering, and Building) before construction begins.

PR7. The Park Improvement Agreement and the Park Maintenance Agreement between City and Developer will be drafted and then submitted to City Council for approval before park construction can begin.

PR8. Developer will maintain the public park in perpetuity.

PR9. This memo assumes the Project is not a subdivision and the Mitigation Fee Act provisions of City Code 17.35 will apply. The project will generate an estimated 777 residents (2.24 persons/household x 347 units). Based on the MFA standard of 2.53 acres/1,000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 1.9665 acres. The equivalent fee due in lieu of parkland dedication is calculated at \$7,999,391 based on fees in effect.

a. Developer will dedicate Lot 2, as shown on Sheet C-1 in the plans for PLN2018-13440, to the City in fee title. Lot 2 will be a mini park per Sheet L-1 (also see Exhibit 1 and Exhibit 2 attached to these comments for reference) and includes:

- i. Public Park Phase 1 which is 15,700sf, and
- ii. Public Park Phase 2 which is 2,500sf encumbered by a 12 ½ foot wide shared driveway easement and a separate storm drain easement with the

adjacent property owner to the east. These shared easements with the adjacent property owner will remain until the adjacent property owner quitclaims, or otherwise terminates, said easements.

- iii. The Public Park Phase 1 square footage in the amount of 15,700sf will be dedicated in fee title to the City and deducted from the total parkland dedication requirement of 1.9665 acres.
  - iv. The Public Park Phase 2 square footage in the amount of 2,500sf cannot be initially developed as usable parkland since it is encumbered by shared easements. Developer will pay the land value of the 2,500sf area, which is equivalent to \$210,572 of the \$5,443,388 balance of fees due in lieu of parkland dedication as a part of the initial park in lieu fee. See PR9.d. for additional information.
  - b. Developer will construct Public Park Phase 1 improvements, consisting of 15,700sf, at sole cost to Developer.
  - c. Developer will maintain in perpetuity Public Park Phase 1 at sole cost to Developer.
  - d. If the shared driveway and storm drain easements (Public Park Phase 2 – 2,500sf) are quitclaimed, or otherwise terminated, by adjacent property owner:
    - i. within 5 years of payment of park in lieu fees to City (PR9.a.iv. above), City will refund \$210,572 (2,500sf/43,560sf x \$3,669,000 per acre), which is calculated as the equivalent land value of the 2,500sf ( 0.0574 acres) paid by Developer to City through park in lieu fees. Developer will construct Public Park Phase 2 (2,500sf) park improvements at sole cost to Developer and to the sole satisfaction of the City and in conformance with the Phase 2 approved schematic design; or
    - ii. later than 5 years of payment of park in lieu fees, City will not refund any amount of the park in lieu fees. Refer to PR9.e.
  - e. Public Park Phase 2: An Engineer's Estimate for the cost to construct Public Park Phase 2 schematic design, as reviewed by the Parks & Recreation Commission and approved by City Council, plus the cost of demolition less \$18,321.90 park construction fee paid as part of parkland dedication fee ("Phase 2 Completion Cost") shall be prepared as a part of the Park Improvement Agreement. If Developer has not constructed Public Park Phase 2 prior to the City's Acceptance of the Public Park Phase 1, Developer shall pay the Public Park Phase 2 Completion Fee to City which is the Public Park Phase 2 Completion Cost adjusted to current Engineering News Record unit pricing, or as mutually agreed upon between City and Developer prior to issuance of Phase 1 Park Acceptance and this language included in the Park Improvement Agreement.
  - f. Developer shall maintain existing shared driveway and storm drain easements until said easements are quitclaimed, or otherwise terminated, by adjacent property owner. Developer will maintain this 2,500sf area in perpetuity.
  - g. Final calculations will depend upon the actual number and type of units and the mix of parkland dedicated and remaining fee due at the discretion of the City.
- PR10. Developer will provide City with GIS/Enterprise Asset Management System (EAMS) data for the public park facilities. The base map and design elements/assets should meet the City data dictionary definitions for each asset.
- PR11. This Project includes 29,292sf, after deducting a 4 foot set-back, of private on-site park and recreational amenities and will receive credit at 50%, or 14,646sf. See Table 3.
- PR12. The balance of fees due in lieu of parkland dedication is \$5,443,388, including the \$210,572 that will be refunded if Phase 2 is completed within 5 years of payment of the park in lieu fees.

- PR13. In lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR14. A dwelling unit tax (DUT) is due based on the number of units and additional bedrooms per City Code Chapter 3.15. The project mix includes 38 studios, 217 one-bedroom units, and 92 two-bedroom units for a total DUT of **\$5,665**.
- PR15. Calculations may change if the number of units changes, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if City Council makes any changes.